

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

UNITED STATES OF AMERICA,) CASE NO. 8:05CR187

)

Plaintiff,)

)

vs.) **MEMORANDUM & ORDER**

)

TONIA PLUNK,)

)

)

Defendant.)

The matter of a Court ordered psychiatric evaluation of the Defendant comes before the Court upon the oral motion of her court appointed counsel who made the following showing:

1. That, pursuant to an earlier Order of this Court by U.S. Magistrate Judge F.A. Gossett, U.S. Pretrial Services scheduled a substance abuse evaluation of Ms. Plunk.

2. That the evaluation was completed on May 9th, 2005 and performed by Catholic Charities.

3. That a report of the May 9th, 2005 Alcohol/Drug Assessment by Paula Moritz, Licensed Alcohol/Drug Counselor, was submitted to the Court in connection with pretrial release issues. The report included a recommendation "...for a current psychiatric evaluation." Also, it was recommended that Ms. Plunk attend and complete intensive outpatient chemical dependency treatment.

4. That U.S. Pretrial Service Officer Jennifer A. Meyerink submitted a standard "Release Status Report to the Court" dated August 11th, 2005 and it appears that Ms. Plunk is living in a ¾ way house, actively participating in outpatient substance abuse treatment and in other ways following the conditions of her release order. However, there has been no psychiatric evaluation conducted.

5. That counsel is aware as a result of his representation that significant physical and mental abuse has occurred to Ms. Plunk during the course of her participation in the conspiracy and may contribute to the recommendation by Ms. Moritz that Ms. Plunk be referred for a current psychiatric evaluation.

Upon showing stated, the Court finds the oral motion should be granted and the Court orders that prior to sentencing the defendant be referred for a current psychiatric evaluation and the results of that evaluation be disclosed to defense counsel.

Dated this 17th day of August, 2005.

BY THE COURT:

s/ Joseph F. Bataillon
Joseph F. Bataillon
United States District Judge